

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

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4 RONALD LIPTON and Docket No.: 00 CV 319
5 BRETT LIPTON, (LEK) (RWS)

6 Plaintiffs,

7 vs.

8 JOHN WOOTON, KEVIN LANE, EDWIN BREWSTER,
9 THE TOWN OF WOODSTOCK, TOWN OF
10 SAUGERTIES, GREG HULBERT, Chief of the
11 Town of Saugerties Police Department,
12 and JOHN DOE, an unidentified Town of
13 Saugerties Police Officer,

14 Defendants.

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17 EXAMINATION BEFORE TRIAL

18 of the Plaintiff, RONALD LIPTON, held on July 8, 2002,
19 commencing at 10:30 a.m., at 6 North Street,
20 Middletown, New York, before Katherine D. Nichols,
21 Registered Professional Reporter and Notary Public, in
22 and for the State of New York.

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1 A No.

2 Q Do you have any active prescriptions for any
3 antianxiety medication or antidepressant medication?

4 A He had prescribed, I believe, Zoloft at the
5 time, but I haven't been taking that.

6 Q You used to take it but no longer take it?

7 A That's correct.

8 Q When did you stop taking Zoloft?

9 A I would have to check my records.

10 Q He had prescribed that for you prior to
11 February 14th, 1999; hadn't he?

12 A I don't remember. It seems around that time.

13 Q When did you learn for the first time that
14 Paula Wrolsen had filed charges against you?

15 A First time we learned of that was when we
16 were arrested, after being released on our own
17 recognizance, on Wednesday, February 17th, 1999, in the
18 Town of Woodstock Court.

19 MR. ISSEKS: That's fine.

20 Q Just so we can get the chronology correct,
21 your arrest in Woodstock was approximately five to 5:30
22 p.m. on the 14th, February 14th; is that correct?

23 A On February 14th, Sunday afternoon, yes.

24 Q And you were later that evening or early the
25 next morning remanded to the Ulster County Jail?

1 A Yes.

2 Q Where you remained until the 17th when you
3 were taken back to the Town of Woodstock court?

4 A Yes.

5 Q For an appearance on the charges that have
6 been filed against you on the 14th; is that correct?

7 A Yes.

8 Q And as pertains to those charges, you were
9 released on your own recognizance by the Town of
10 Woodstock Justice?

11 A Yes.

12 Q Were you then immediately thereafter
13 rearrested by some law enforcement agency?

14 A Yes.

15 Q Which law enforcement agency?

16 A New York State Police.

17 Q That was while you were still in the
18 courtroom itself?

19 A Yes.

20 Q On the 17th, when you were in the Town of
21 Woodstock Justice Court, you got rearrested by the
22 State Police on Paula Wrolsen's charges?

23 A Yes.

24 Q Can you approximate for me what time that
25 was?

1 A Late afternoon.

2 Q And that whole chronology would also apply
3 for Brett as well?

4 A Yes.

5 Q After you were rearrested by the New York
6 State Police late in the afternoon on the 17th, where
7 were you taken?

8 A I was taken to Highland State Police
9 barracks.

10 Q Was that for processing?

11 A They brought us in there, detained us, and
12 then transported us to the Stewart station of the New
13 York State Police at Stewart Airport, the Stewart
14 Airport station.

15 Q Had they told you why you were under arrest
16 while you were in the Town of Woodstock?

17 A Good question. All they had said was --
18 MR. ISSEKS: Yes or no.

19 A At that junction, no.

20 Q When did you learn the basis of your arrest?

21 A When we were in the Stewart Airport station.
22 We were told of the false charges.

23 Q Told of the charges?

24 A False charges.

25 Q They didn't tell you they were false charges;

1 did they?

2 A There was a conversation with one of the
3 people there that expressed doubt as to the validity to
4 that when we explained what happened, what it was, but
5 it was incumbent upon them to have to process.

6 Q And these are the charges which ultimately
7 resulted in your plea to the violation of harassment?

8 A No.

9 Q They are different charges filed against you?

10 A Yes.

11 Q Was there a second set of charges filed by
12 Paula Wrolsen?

13 A No.

14 Q Were these charges reduced to something else
15 or changed to something else?

16 A Yes. They were not only reduced, they
17 disposed of the case in its entirety. I was advised
18 that I would be appearing before the disbarred judge,
19 that anything could happen based on his conduct in the
20 past, so I pled guilty to raising my voice in my house,
21 to a violation charge, that was never in the
22 prosecutor's information. And in exchange for that,
23 the charges were dismissed against my son, which was
24 motivating me to pleading to anything at all.

25 Q Everything was dismissed in exchange for your

1 plea of harassment?

2 A My answer to you is, that all criminal
3 charges were dismissed in exchange for a plea to a
4 charge that wasn't in the prosecutor's information,
5 causing a nuisance by raising my voice in my own home.
6 That was my answer.

7 Q And that was part of the negotiation between
8 your attorney and the District Attorney's Office?

9 A Yes.

10 Q When did that plea take place?

11 A October 21st, 2001; I'm pretty sure it was
12 the 21st of October.

13 Q You have not filed any civil lawsuit against
14 the State Police as a result of that arrest; have you?

15 A Not at this time.

16 Q Are you contemplating a civil lawsuit against
17 the State Police?

18 A Yes, I am.

19 Q Have you filed a lawsuit against Paula
20 Wrolsen?

21 A No.

22 Q Are you contemplating doing that?

23 A No.

24 Q Does Mr. Isseks represent you in connection
25 with your potential lawsuit against the State Police?

1 A I haven't discussed that with him at this
2 time.

3 Q Have you discussed it with any attorney?

4 A Other than Mr. Isseks?

5 Q Any attorney. If you haven't discussed it
6 with him, is there anyone else that you have discussed
7 it with?

8 A No.

9 Q So now we have you at the Stewart Airport,
10 State Police station. What happened next on the night
11 of February 17th with regard to Paula Wrolsen's charges
12 and your being in the custody of the State Police?

13 A We were processed.

14 Q And then what?

15 A Arraigned.

16 Q There or in a courtroom?

17 A Before Tim Tampsen, who was disbarred.
18 That's the gentleman that I was speaking about before
19 in the Town of Newburgh Court.

20 Q Was Judge Tampsen disbarred at the time that
21 you were brought before him for an arraignment?

22 A I think charges might have been pending
23 against him. I don't know.

24 MR. ISSEKS: Whether he had been disbarred?

25 A Actually been disbarred at the time, not to

1 my knowledge.

2 Q To your knowledge, he was still a lawful
3 sitting judge?

4 A Even though he was disbarred, he is still --

5 Q You keep using the word "disbarred," but you
6 said he wasn't disbarred at that time.

7 A I am just answering the question.

8 Q At the time that you were there,
9 February 1999, to your knowledge, he was still a lawful
10 sitting judge; wasn't he?

11 A To my knowledge he was a -- my answer to you,
12 because it's my answer, is that he was a lawful sitting
13 judge that was being investigated by Judicial Conduct.
14 That I know.

15 Q You also know that simply being charged or
16 accused doesn't necessarily mean that you are guilty?

17 A I think my case exemplifies your point.

18 MR. ISSEKS: Just answer his question.

19 Q So you were arraigned before Judge Tampsen?

20 A Yes.

21 Q As was your son?

22 A Yes.

23 Q Then what happened?

24 A He set bail at \$500 for my son, and \$5,000
25 for myself, and we were transported to Orange County

1 Jail.

2 Q Had bail been set in Woodstock on the 14th or
3 15th?

4 A Oh, yes, it had.

5 Q What judge was that?

6 A Richard Lewistead (phonetic).

7 Q What bail was set in Woodstock?

8 A After the ex-parte meeting --

9 MR. ISSEKS: Just answer the question, what
10 was the bail set at?

11 A The bail for me was set at \$20,000, and
12 \$10,000 for Brett.

13 Q That bail was then eliminated on the 17th
14 when you were released on your own recognizance?

15 A Yes.

16 Q Did either you or Brett make bail before
17 Judge Tampuson in the evening of February 17th?

18 A No.

19 Q Where were you taken?

20 A I previously answered you. I said Orange
21 County Jail.

22 Q Did Brett also go to Orange County Jail?

23 A Yes.

24 Q And how long were you in Orange County Jail?

25 A From Wednesday, February 17th, to Thursday

1 February, 18th, 1999.

2 Q Where did you go from Orange County Jail on
3 the 18th?

4 A I was transported to Rikers Island.

5 Q Approximately what time of day?

6 A Early in the morning.

7 Q How long did you remain at Rikers Island?

8 A I remained in Rikers Island from the time of
9 my arrival in the morning on Thursday until late in the
10 afternoon, early evening, on Friday the next day.

11 Q And, then, were you released from Rikers
12 Island, or were you taken somewhere else?

13 A I was transported from Rikers Island by the
14 Orange County Sheriff's Department back to Orange
15 County Jail in Goshen, New York, and I was released
16 from there.

17 Q When were you released?

18 A On Friday evening.

19 Q Approximately what time?

20 A It was some time in the evening. I don't
21 remember.

22 Q Was that the 19th?

23 A On Friday, February 19th, '99.

24 Q Had you made bail?

25 A Yes.

1 Q How did you make bail?

2 A My family and friends made bail.

3 Q Since making bail on February 19th, 1999,
4 have you been incarcerated ever again to date?

5 A No.

6 Q Prior to February 14th and being remanded by
7 the Orange County -- by the Woodstock Justice, had you
8 ever been incarcerated either in a pretrial situation
9 or after conviction?

10 A Never convicted of anything in my life.

11 Q Had you ever been in a pretrial situation
12 where you were incarcerated?

13 A Yes.

14 Q When was that?

15 A In 1982, I had spent 15 days, unable to make
16 bail on charges that were dismissed.

17 Q What jurisdiction?

18 A That was Sussex County, New Jersey.

19 Q Any other periods of incarceration pretrial?

20 A Yes.

21 Q What are they?

22 A That was 1982. The only other time I can
23 remember was -- there might have been another time.
24 There was a series of complaints from a neighbor
25 dispute in the same year. I might have been in the

1 Q When in 2002 approximately was this?

2 A I don't remember, but he had to stay
3 overnight.

4 Q When did you first learn that Paula Wrolsen
5 had left you?

6 A Had left me or left the house?

7 Q I am not sure I meant to distinguish, but I
8 will accept your modification, left the house?

9 A On the evening of February 5th to
10 February 6th, 1999.

11 Q Did she tell you where she was going, or did
12 she just leave without speaking to you?

13 A She did not tell me where she was going.

14 Q Did you have any communication with her
15 between when she left and when you were arrested in
16 Woodstock on February 14th?

17 A I haven't spoken to her.

18 Q Had Brett?

19 A Had spoken to her?

20 Q Yes.

21 A No.

22 Q Or seen her?

23 A No.

24 Q Did anyone on your behalf speak to her or see
25 her between those dates?

1		RONALD LIPTON	55
2		where did you go?	
3	A.	Into the parking lot.	
4	Q.	When you two got to the parking lot, what did	
5		you do?	
6	A.	Spoke to the chief.	
7	Q.	You spoke some more to the chief in the parking	
8		lot?	
9	A.	Yes.	
10	Q.	Tell me about that conversation.	
11	A.	I told him I felt I made a mistake coming up	
12		there because of what was just said. I asked	
13		him why would he ask if I had a gun? What	
14		promulgated that?	
15	Q.	Did the chief respond to you?	
16	A.	He wouldn't answer me. I told him that I	
17		wanted to express again to him "I'm not here to	
18		cause a problem. I'm here to ask your help.	
19		I'm telling you the truth about someone in the	
20		patrolman's family. I'm worried for her. My	
21		only purpose is to get some kind of help. I	
22		don't want any problem.	
23	Q.	What did the chief say?	
24	A.	"I have nothing further to say to you. Good	
25		day Mr. Lipton."	

1 RONALD LIPTON

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2 Q. Did you respond?

3 A. Yes.

4 Q. What did you say?

5 A. "I want to reassure you that I'm only going to
6 ride over in the area where I think she might
7 be walking. If I see her I'll call but I'm not
8 having any contact with anybody from that
9 family. I'm sorry you feel the way you do."

10 Q. Did he respond?

11 A. "Good day."

12 Q. I assume Brett was there to hear this
13 conversation?

14 A. What was that?

15 Q. Was Brett there to hear this conversation?

16 A. Yes.

17 Q. He hadn't gone to the car yet?

18 A. No.

19 Q. Was anyone else present?

20 A. No.

21 Q. At that point what did you do?

22 A. Got in my car.

23 Q. Were you driving?

24 A. Yes.

25 Q. Was Brett in the front seat?

1		RONALD LIPTON	57
2	A.	Yes.	
3	Q.	Front passenger seat?	
4	A.	Yes.	
5	Q.	Did you go somewhere?	
6	A.	Yes.	
7	Q.	Where did you go?	
8	A.	We had left the area of Saugerties and headed	
9		out toward Woodstock trying to find the area	
10		where I thought Paula might be walking.	
11	Q.	When you met with the chief had you asked	
12		the chief any directions?	
13	A.	I don't recall.	
14	Q.	Do you recall if the chief had given you	
15		directions?	
16	A.	I don't recall. What I did was --	
17		MR. ISSEKS: Do you recall or don't	
18		you recall?	
19		THE WITNESS: I don't recall.	
20	Q.	Did you know how to get from the Saugerties	
21		Police Department to Wrolsen Road?	
22	A.	I think so.	
23	Q.	That's where you were going, to Wrolsen Road?	
24	A.	It's possible we had driven into Woodstock	
25		first then gone there or I might have gone to	

1 RONALD LIPTON 58

2 the area where I thought Wrolsen Road was,

3 looking for the turn.

4 Q. After you left the Saugerties Police Department

5 you believe you might have gone to Woodstock

6 first?

7 A. I believe we were looking north of Wrolsen Road

8 to an area where I knew she used to walk first.

9 Q. You didn't find Paula during that time?

10 A. No, I did not.

11 Q. Do you know how long it took to get from the

12 Saugerties Police Department to the Woodstock

13 area where you were looking for Paula?

14 A. I don't recall.

15 Q. Do you know how long you were looking for

16 Paula in the Woodstock area?

17 A. I believe we went to the area where she was

18 walking. I don't know if it was in

19 the Woodstock or Saugerties area. We got kind

20 of lost.

21 Q. Did there come a time that you happened upon

22 Officer Wooton?

23 A. Yes.

24 Q. What was the name of that road?

25 A. It was the road leading out of Saugerties. I

1	RONALD LIPTON	59
2	was asked that before. Glasgow Turnpike.	
3	Q. Now Officer Wooton was on the side of the road?	
4	A. Yes.	
5	Q. He was in his car?	
6	A. Yes.	
7	Q. Was he with anyone?	
8	A. No.	
9	Q. Do you recall what the conditions were at that	
10	time when you first saw Officer Wooton?	
11	A. Conditions of what?	
12	Q. Daylight, dark, dusk.	
13	A. I don't recall. I believe there was some	
14	daylight left.	
15	Q. He was sitting in the front driver's seat of	
16	his car?	
17	A. Yes.	
18	Q. Do you recall if his window was open or closed?	
19	A. No.	
20	Q. Do you recall what he was wearing?	
21	A. Yes.	
22	Q. What was he wearing?	
23	A. Police uniform.	
24	Q. Did he have a hat on?	
25	A. I don't recall.	

1 A "When you get in jail, Pal, it is going to be
2 really tough on you. I've got friends in there."

3 Q And was that comment said again?

4 A One time.

5 Q As you were in the courthouse?

6 A I don't recall.

7 Q Are you suing the Ulster County Sheriff or
8 the Ulster County Jail for any treatment that you got
9 in the jail while you were there?

10 A Am I suing them at present?

11 Q Yes.

12 A No.

13 Q Is that something else that you were
14 contemplating?

15 A I would like to, for what was done to us.

16 Q Have you discussed that with counsel?

17 A Yes, I did.

18 Q When did you first discuss that with counsel?

19 MR. ISSEKS: Objection.

20 A I don't know.

21 Q You were in the Ulster County Jail until the
22 late afternoon of the 17th?

23 A Yes.

24 Q Did you come to learn that a warrant was
25 lodged for your arrest from the Town of Newburgh Court

1 based on Paula Wrolsen's charges on February 15th?

2 A No.

3 Q Have you ever learned that?

4 A Yes.

5 Q When did you learn that?

6 A When we were arrested after we were brought
7 to the Town of Woodstock Court to be arraigned -- I'm
8 sorry, when we were released, when they waived the
9 preliminary hearing and ROR'ed us. That was the first
10 time that we were told.

11 Q And at that time you learned that the warrant
12 had been lodged on the 15th?

13 A No. They had simply said that charges had
14 been filed.

15 Q When did you learn for the first time that a
16 warrant or hold had been placed on you with the Ulster
17 County Jail on the 15th?

18 A No one had ever told us that.

19 Q Had you ever learned until I asked you that
20 question today?

21 A I think in the Town of Woodstock Court when
22 we were arrested and we were told that we were not
23 going to be released.

24 Q You mean on the 14th?

25 A No, on the 15th, when we were bought back to

1 court and released, ROR'ed.

2 Q That's the 17th?

3 A I'm sorry, the 17th.

4 Q You were told on the 17th that the warrant
5 had been lodged with the Ulster County Jail on the
6 15th?

7 A No.

8 Q When did you learn that the warrant or hold
9 was placed upon you at the Ulster County Jail on
10 February 15th?

11 A After -- I am trying to think if he actually
12 even said that to us. I don't recall when I found that
13 out. It was some time after that day, and I don't
14 remember specifically when.

15 Q In any event, you're telling me that no one
16 at the Ulster County Jail told you while you were still
17 in the Ulster County Jail that there was a hold or
18 warrant for your arrest arising out of a charge pending
19 in the Town of Newburgh?

20 A The only thing that I remember now is someone
21 in the jail saying, "You guys are getting out," or it
22 looks like, you know, you're getting out. You're going
23 to go to court this afternoon. "I am hearing stuff
24 through the grapevine. It looks like you guys are
25 getting out, but there might be some other charges."

1 And I said, you know, "Do you know anything about it?"

2 He said, No.

3 Q Is this a fellow inmate or someone from the
4 correction staff?

5 A Correctional staff.

6 Q Do you know who?

7 A No.

8 Q Did you make any further inquiry about these
9 additional charges that the correctional officer had
10 mentioned to you?

11 A It is impossible, because we were en route to
12 the jail -- I'm sorry, en route to the jail.

13 Q The information from this correctional
14 officer was imparted to you while you were --

15 A While we were bought out of our cell. They
16 said, "You guys are getting out, but there is some kind
17 of charges that might be pending." And I said, "Do you
18 know anything about it?" And he said, "No. You'll
19 find out when you get there."

20 Q Did you have a lawyer representing you in
21 court?

22 A Yes.

23 Q Who was that?

24 A Tom Pietro.

25 Q Was that an assigned attorney from the Public